

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JACOB F. REDMAN,

Defendant.

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Case No. 2:09-CR-161(3)

JUDGE ALGENON L. MARBLEY

**Magistrate Judge Norah McCann
King**

ORDER

This matter is before the Court on Defendant Jacob Redman's ("Defendant") Motion to Terminate Supervised Release. (Doc. 76.) In June, 2009, a grand jury indicted Defendant and two other individuals for conspiracy to manufacture more than 100 marijuana plants. Defendant entered a plea agreement in October, 2009, and was subsequently sentenced to one month incarceration, four years supervised release (with the first 11 months in home confinement), and a \$2,000 fine. While Defendant was serving his time in the Franklin County jail, he sustained injuries requiring hospitalization after being attacked by young gang members.

Defendant sets forth a number of factors in his Motion to support his position that early termination is warranted. For example, Defendant notes that: his prior criminal record consisted of one minor traffic infraction; he has completed the electronically-monitored period of his supervised release without violation; he has timely reported to his probation officer on a monthly basis; he has paid the full cost of his electronic monitoring and his \$2,000 fine; he has abstained from illegal drug use as verified by random drug testing; he maintains gainful employment as a manger of a restaurant; and he was married and traveled with his wife on their honeymoon in

November, 2011. Defendant completed 17 months of his four-year term of supervised release at the time his Motion was filed in mid-January, 2012.

The Government filed a Response to Defendant's Motion, which takes the position that "[f]or the reasons cited by the defendant, and because the [United States Probation Officer] has no objection, the United States does not object to the defendant's early termination." (Doc. 80.)

The Court has statutory authority to terminate an offender's supervised release prior to expiration under 18 U.S.C. § 3583(e)(1), which provides in pertinent part:

(e) Modification of conditions or revocation.—The court may, after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)—

(1) terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice[.]

Relevant § 3553 factors for the Court to consider in this case include: the nature and circumstances of the offense; the history and characteristics of the defendant; the need for the sentence imposed to afford adequate deterrence to criminal conduct; and the need for the sentence imposed to protect the public from further crimes of the defendant. 18 U.S.C. §§ 3553(a)(1), (a)(2)(B), (a)(2)(C).

Defendant "acknowledges that the offense in this case—cultivation of marijuana—is extremely serious." (Doc. 76.) This Court finds, however, that the § 3553 factors weigh in Defendant's favor. Defendant holds a steady job at a restaurant and has paid the full cost of his electronic monitoring and his \$2,000 fine. Defendant indicates in his Motion that he has been deterred from engaging in conduct that would result in his re-confinement. He has also abstained from illegal drug use as verified by random drug testing, and his Probation Officer has no

objection to his early termination. Moreover, the Government does not object to this Court granting Defendant's Motion.

For the foregoing reasons, Defendant's Motion to Terminate Supervised Release is **GRANTED.**

IT IS SO ORDERED.

s/ Algenon L. Marbley
Algenon L. Marbley
United States District Judge

Dated: March 20, 2012